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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HO, TUAN V	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/812,593

Applicant(s)

ITOH ET AL.

Examiner

TUAN HO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 is vague and indefinite because the phrase "a first dimension of said second body in direction perpendicular to a screen of said display being shorter than a second dimension of said second body in direction parallel to the said screen of said display", line 8 is not clear. The phrase should be read as "a first dimension of said second body in direction perpendicular to an optical axis of a screen of said display being shorter than a second dimension of said second body in direction parallel to the said screen of said display". In this case, the first and second dimension are width and length of body 12.

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Claim 9 is vague and indefinite because the phrase "a dimension of said optical system in a direction perpendicular to said optical axis of said optical system is approximate equal to said first dimension of said second body" should be read as "a dimension of said optical system in a direction perpendicular to said optical axis of said screen of the display is approximate equal to said first dimension of said second body". In this case, the length of camera 11 is equal to the width of body 12.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Umezawa et al (US 5,491,507).

With regard to claim 1, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the image capturing device for capturing an image of a subject through a zoom optical system (camera 3 comprises a zoom lens so as to

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enlarge an image, col. 7, line 40-41), body casing (body 2, col. 5, line 33), communicator (main circuit board 17 is used to communicate with other video phone, col.5, lines 56-58), display panel 11 displays an image captured by camera 3, col. 5, line 46 and col. 7, lines 40-68), rotating mechanism (pivot 32, col. 7, lines 43-50), first position (Fig. 7 shows an optical axis of display panel 11 is parallel to an optical axis of camera 3; noted that camera 3 can be rotated around axis 32), and second position (Fig. 1 shows an optical axis of display panel 11 is perpendicular to an optical axis of camera 3; noted that camera 3 can be rotated around axis 32).

With regard to claim 2, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the length of the image capturing device along the optical axis is approximate equal to the width of the body casing (length h4 of camera 3 is approximately equal W1 of body 2, col. 9, lines 1-7 and col. 7, lines 65-68; noted that camera 3 can be extended by pulling lens portion 24, col. 7, lines 65-68).

With regard to claim 3, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the group of

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control buttons (control panel 14 and keys 15 faces the same direction of display panel 11, col. 8, lines 20-30).

With regard to claim 4, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the manual operation device (lens portion 24 can be pulled up and pushed down, col. 7, lines 60-68), for accepting user's operation associated with information communication when in the first position (an information communication operation can be performed in position as shown in Fig.7 when the portion 24 is pushed down and camera 3 is moved to the position, col. 8, lines 5-19), and for accepting a user's operation associated with image capturing when in the second position (camera 3 is pulled up and put in a storage position as shown in Fig. 1 in which the camera is turned off from capturing any images; as a result, in this position, the video accepts a user's operation as a capturing-off-position).

With regard to claim 7, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the first body (camera 3 inherently includes a housing that houses lens and image sensor, col. 7, line 40), first dimension of the first body is longer than second dimension (the length of camera body

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3 is longer than the diameter the camera body 3), second body including a display (video telephone body 2), first dimension shorter than a second dimension (width W1 of body 2 is shorter than length h2 as shown in Fig. 8C, col. 9, lines 1+), communication unit (main circuit board 17 and control circuit board 20, col. 5, lines 55-60), and connecting member (pivot member 32, col. 7, line 43 and Figs. 7 and 1).

With regard to claim 8, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the first dimension of the camera 3 is longer the second diameter dimension).

With regard to claim 9, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the dimension of the optical system is approximately equal to the first dimension of the second body (the length of camera 3 is approximately equal to width W1 of body 2 as shown in Fig. 7).

With regard to claim 10, Umezawa et al discloses in Figs. 1-8C, a portable video telephone, used to conduct information communication with other end, which comprises the manual operation member (control panel 14 and function keys 15, col. 8, lines 23-35 are faced in the same direction of display 11).

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4. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsukahara et al discloses a portable video camera that includes a rotating display device.

Park discloses a compact capture apparatus that includes a rotatable display device.

Siddoway et al discloses an video telephone that includes a rotatable camera head.

Ohmori discloses an electronic camera that includes a removable and rotatable display.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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